

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.96 OF 2006
IN
NOTICE OF MOTION NO.273 OF 2006
IN
SUIT NO.101 OF 1993

Chhaganlal Haribhai Kesur

..Appellant

v/s.

P. Pushparani and others.

.. Respondents

Mr.M.M.Vashi with Mr.B.N.Vaishnawa i/by M/s.B.Vaishnawa & Co. for the appellant.

Dr.Virendra Tulzapurkar, Senior Counsel with Mr.Birendra Saraf i/by Ms.Krishna Tanna for the respondent Nos.1 and 2.

CORAM : R.M. LODHA &
ANOOP V.MOHTA, JJ.

DATED : 21ST FEBRUARY, 2006.

P.C.

We heard Mr.M.M.Vashi, the learned counsel for the appellant and Dr.Virendra Tulzapurkar, the learned senior counsel for the respondent Nos.1 and 2 (applicants).

2. In our considered view, save and except the ad-interim order directing the Receiver not to take possession until the hearing of the notice of motion, the rest of the impugned order deserves to be set aside. It is so because the order does not disclose the reasons that persuaded the learned motion Judge to pass an order revoking the appointment of the Court Receiver and directing the applicants to deposit a sum of Rs.20,00,000/-

(Rupees Twenty lacs).

3. Consequently, we dispose of the appeal by the following order:-

- (i) The Court Receiver shall not take possession (formal or actual) until the hearing of the notice of motion.
- (ii) The order revoking the appointment of the Receiver and the direction to the applicants to deposit a sum of Rs.20,00,000/- is set aside.
- (iii) The applicants shall give inspection of the documents to the plaintiff or his advocate within one week from today.
- (iv) The plaintiff shall file reply affidavit in opposition to the notice of motion within two weeks from the date of completion of the inspection.
- (v) The learned motion Judge is requested to hear and decide the notice of motion within three weeks from the filing of the reply affidavit by the plaintiff.
- (vi) All questions are kept open to be agitated before the learned motion Judge.

(R.M.LODHA, J.)

(ANOOP V. MOHTA, J.)